

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

VICTOR ENCARNACION, KALEB HAGOS,
KENNETH CLAVASQUIN, and
THE BRONX DEFENDERS, individually and
on behalf of a class of all others similarly
situated;

16-cv-156 (DLC)

Plaintiffs,

– against –

THE CITY OF NEW YORK

Defendant.

**DECLARATION OF MARIANA KOVEL IN SUPPORT OF PLAINTIFFS’
MOTION TO CERTIFY A CLASS UNDER
FEDERAL RULE OF CIVIL PROCEDURE 23**

Mariana Kovel declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am the Legal Director of the Civil Action Practice at The Bronx Defenders, a Named Plaintiff in this action, and am also co-counsel for Plaintiffs. I submit this declaration in support of Plaintiffs’ motion for class certification. This Declaration is made upon personal knowledge, except where otherwise noted.

2. The Bronx Defenders is an award-winning legal organization recognized as a “pioneer in holistic advocacy” that provides integrated criminal and civil legal representation and impact litigation. See, e.g., *Casale v. Kelly*, 257 F.R.D. 396, 404, n.40 (S.D.N.Y. 2009). The Civil Action Practice specializes in comprehensive representation to safeguard the civil rights of indigent New Yorkers charged with crimes.

3. The Bronx Defenders has over a decade of experience successfully litigating federal Section 1983 claims of constitutional violations by police agencies, including being appointed class counsel in three certified class actions. See *Ligon v. City of New York*, No 12 CV 2274 (AT) (S.D.N.Y. Feb. 11, 2013) (Docket No. 104); *Casale v. Kelly*, 257 F.R.D. 396 (S.D.N.Y. 2009); *Brown v. Kelly*, 244 F.R.D. 222 (S.D.N.Y. 2007).

4. The Bronx Defenders is fully committed to serving the interests of the class and has the resources and expertise to do so.

5. The City of New York contracts with The Bronx Defenders' Criminal Defense Practice to represent 31,000 low-income people every year. The Bronx Defenders represents approximately 40% of the criminal defendants who are arraigned in the Bronx.

6. The Bronx Defenders represents hundreds of individuals annually who have Arrest Evidence and Forfeiture property seized from them at the time they are arrested.

7. Advocates and attorneys from the Civil Action Practice and Criminal Defense Practice regularly assist clients in retrieving Arrest Evidence and Forfeiture property both during the pendency of and following the termination of the criminal case.

8. The Civil Action Practice alone handles approximately 500 cases a year related to retrieving client's property seized pursuant to an arrest.

9. The work of retrieving clients' property and demanding DA Releases diverts resources from The Bronx Defenders' core mission.

Dated: June 7, 2016
Bronx, New York



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